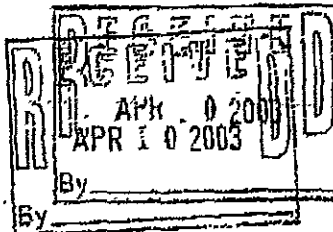


DEPARTMENT OF INDUSTRIAL RELATIONS  
DIVISION OF APPRENTICESHIP STANDARDS  
455 GOLDEN GATE AVENUE, 8<sup>TH</sup> FLOOR  
SAN FRANCISCO, CA 94102  
(415) 703-4920



ADDRESS REPLY TO:  
P.O. Box 420603  
San Francisco, CA 94142

April 3, 2003

Operating Engineers Joint Apprenticeship  
Committee for Northern California  
Dan Senechal, Director  
7388 Murieta Dr.  
Rancho Murieta, CA 95683

**Re: Apprentice Ratio Exemption Request Pursuant to Labor Code Sec. 1777.5**

Dear Mr. Senechal:

Your request for an exemption from the ratio of one hour of apprentices employment for each five hours of journey level labor performed on Public Works projects, relative to Labor Code Section 1777.5, has been reviewed.

The Operating Engineers' Program request for an exemption because of a perceived lack of feasibility for an hourly apprentice ratio is based on two points: 1) Extensive travel, as required in 46 Northern California Counties, will adversely impact an apprentice, especially on short jobs. 2) The equipment requirement of the occupation is not conducive to employment of apprentices on an hourly ratio basis, especially on the many projects where only one or two pieces of earth moving equipment is being utilized.

Upon request, Labor Code Section 1777.5 authorizes the Division of Apprenticeship Standards (DAS) to order a minimum ratio of not less than one apprentice for each five journeymen where the hourly ratio is not feasible for a particular occupation.

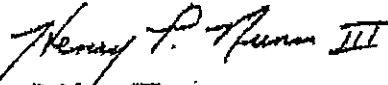
Extensive travel is a condition that the entire construction industry must contend with. Construction work locations and the length of time to complete the project vary considerably. It is an accepted fact that all workers, including apprentices, of the building and construction trades must travel in order to be a part of the industry.

The travel argument is rejected as the basis for an exemption because it applies to an entire broad industry rather than a particular occupation. Accepting this rationale would open the exemption door for any program that requires the apprentices to travel to the job.

However, the limited number of movable equipment pieces on some projects needed to complete the work and the fact that most equipment requires only one operator emphasizes the difficulty encountered in training apprentices on a ratio of one hour to five.

Therefore, based on the authority vested in the DAS by Labor Code Section 1777.5, the Operating Engineers Joint Apprenticeship Committee for Northern California is granted an exemption from the one to five hourly apprentice ratio on Public Works project and is ordered to utilize a minimum ratio of not less than one apprentice for each five journeymen in the Operating Engineers classifications. This exemption will remain in effect until revoked.

Sincerely,



Henry P. Nunn III  
Chief, DAS

Effective Date: January 1, 2003

cc: Deputy Chief  
Area Administrators  
M. Poindexter, Sr. App. Consultant  
V. Aguirre, App. Consultant  
E. Nadza, App. Consultant